

IC 3-7-12

Chapter 12. County Administration of Voter Registration

IC 3-7-12-1

Duties of circuit court clerk

Sec. 1. (a) This section does not apply to the following counties:

- (1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.
- (2) A county in which a board of registration is established:
 - (A) by this chapter; or
 - (B) by a county acting under this chapter.

(b) The circuit court clerk:

- (1) is the voter registration officer of each county; and
- (2) shall supervise the registration of voters of the county.

As added by P.L.12-1995, SEC.21. Amended by P.L.144-2001, SEC.4.

IC 3-7-12-2

"Board of registration" defined

Sec. 2. As used in this chapter, "board of registration" includes a board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

As added by P.L.12-1995, SEC.21. Amended by P.L.14-2000, SEC.1; P.L.144-2001, SEC.5.

IC 3-7-12-3

Counties with population over 125,000; establishment of board of registration

Sec. 3. (a) Except as provided in subsection (b), a board of registration is established in each county having a population of more than one hundred twenty-five thousand (125,000).

(b) A board of registration is not established in a county that has a board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

As added by P.L.12-1995, SEC.21. Amended by P.L.144-2001, SEC.6.

IC 3-7-12-4

Orders establishing board of registration

Sec. 4. The county executive of a county not described in section 2 or 3 of this chapter may adopt an order to establish a board of registration.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-5

Effective date of order

Sec. 5. (a) Except as provided in subsection (b), an order adopted under section 4 of this chapter takes effect immediately.

(b) An order adopted during the final sixty (60) days before an election becomes effective on the day following the election.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-6

Seal

Sec. 6. Each board of registration shall have a seal. The board shall record a description of the seal with the county election board.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-7

Duties of board of registration

Sec. 7. A board of registration established under this chapter shall supervise the registration of voters of the county.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-8

Members

Sec. 8. A board of registration consists of two (2) persons.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-9

Method of appointment

Sec. 9. The county chairmen of the major political parties of a county that has a board of registration shall each appoint one (1) member of the board. The two (2) appointed persons must be voters of the county.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-10

Length of term

Sec. 10. A person appointed a member of a board of registration serves a term of two (2) years beginning January 1 of each odd-numbered year and until the person's successor is appointed and qualifies.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-11

Member serves at pleasure of county chairman

Sec. 11. Notwithstanding section 10 of this chapter, a member of a board of registration serves at the pleasure of the county chairman whose political party initially appointed the person.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-12

Term of incumbent registration officers

Sec. 12. In a county that establishes a board of registration under this chapter, the incumbent registration officers serve until the members of the board of registration are appointed and qualified.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-13

Oath of members

Sec. 13. Before discharging any duties under this article, a member of the board of registration must take an oath that the member will faithfully and honestly discharge the member's duty.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-14**Filling of vacancies**

Sec. 14. A vacancy on the board shall be filled in the same manner as the initial appointment was made.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-15**Salary of board member**

Sec. 15. The salary of a board of registration member shall be fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6 and paid out of the county general fund under IC 3-5-3-1 as other election expenses are paid.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-16**Payment of salary upon proper certification**

Sec. 16. The payment of a salary under this chapter shall be made upon proper certification by the board of registration.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-17**Appointment of chief clerk**

Sec. 17. In a county having a population of at least four hundred thousand (400,000), the board of registration shall appoint two (2) chief clerks who are members of different political parties.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-18**Salary of chief clerk**

Sec. 18. The salary of a chief clerk appointed under section 17 of this chapter shall be:

(1) fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6;
and

(2) paid as provided in IC 3-5-3-1.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-19**Employees of board of registration**

Sec. 19. A board of registration may employ all necessary assistants. The number of employees shall be divided equally between the major political parties of the county.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-20

Written recommendations for employees required

Sec. 20. An employee may not be appointed until the board of registration receives the written recommendation of the county chairman of the appropriate major political party of the county.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-21**Salary of employees**

Sec. 21. The salary of an employee shall be:

(1) fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6;
and

(2) paid as provided in IC 3-5-3-1.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-22**Circuit court clerk as voter registration officer; per diem compensation**

Sec. 22. In a county where the circuit court clerk serves as voter registration officer, the clerk is entitled to per diem compensation. The per diem shall be paid out of the general fund of the county in the same manner as election expenses are paid.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-23**Substation registration boards**

Sec. 23. (a) A circuit court clerk or board of registration may establish substation registration boards as necessary to ensure adequate opportunity for persons to register to vote.

(b) The registration officers comprising a substation board must be equally divided between the two (2) major political parties of the county.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-24**Listing in local telephone directory**

Sec. 24. The circuit court clerk or board of registration shall arrange for a separate listing in each local telephone directory, under the heading of county offices. The listing must be styled "Voter Registration" and include the appropriate addresses and telephone numbers of voter registration offices.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-25**Dispute resolution and interpretation of law by county election board**

Sec. 25. If a board of registration is unable to resolve a dispute among its members, or with the circuit court clerk, and requires an interpretation or clarification of the law, the board shall refer the matter to the county election board for determination.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-26

Funds for voter list maintenance activity and mailing of notices

Sec. 26. Each county fiscal body shall appropriate an adequate amount of funds for the circuit court clerk or board of registration to conduct:

- (1) the voter list maintenance activity under this article; and
- (2) the mailing of notices required under the voter list maintenance program.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-27

Cancellation of registration as provided by voter list maintenance program; form and content of affidavit

Sec. 27. (a) The circuit court clerk or board of registration members shall, following the cancellation of voter registrations as provided by the voter list maintenance program under this article, file an affidavit under affirmation with the election division.

(b) The affidavit must be on a form prescribed by the commission and must state that the clerk or board has:

- (1) conducted the voter list maintenance program under this article; and
- (2) canceled the registrations required under the voter list maintenance program.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.10; P.L.14-2004, SEC.17.

IC 3-7-12-28

Report to be filed with election division; content; expiration of section

Sec. 28. (a) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.

(b) The report must include the following:

- (1) A statement of the number of voters registered in each precinct of the county as of December 31 of the preceding year.
- (2) Any revisions to the county NVRA implementation plan adopted during the preceding year.
- (3) Other data prescribed by the division.

(c) This section expires January 1, 2006.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.11; P.L.3-1997, SEC.54; P.L.209-2003, SEC.22.

IC 3-7-12-28.1

Report to be filed with election division; content; effective date of section

Sec. 28.1. (a) This section applies after December 31, 2005.

(b) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.

(c) The report must include the following:

(1) Any revisions to the county NVRA implementation plan adopted during the preceding year.

(2) Other data prescribed by the division.

As added by P.L.209-2003, SEC.23.

IC 3-7-12-29

Applicability of procedures

Sec. 29. The procedures described in sections 31 through 40 of this chapter apply to all elections.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-30

Written notice of violation; copies

Sec. 30. (a) This section applies when a person aggrieved by a violation of:

- (1) NVRA; or
- (2) this article;

files a written notice of the violation with the circuit court clerk of the county where the violation occurred.

(b) The clerk shall promptly provide a copy of the notice by first class mail to:

- (1) the person alleged to have committed the violation;
- (2) the members of the county election board; and
- (3) the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.8-1995, SEC.32.

IC 3-7-12-31

Determination of violation

Sec. 31. The circuit court clerk shall determine whether a notice filed under section 30 of this chapter describes a violation of NVRA or this article if the facts set forth in the notice are assumed to be true. The clerk may consult with the NVRA official in making a determination under this section.

As added by P.L.12-1995, SEC.21. Amended by P.L.8-1995, SEC.33.

IC 3-7-12-32

Determination that no violation exists; persons to be notified

Sec. 32. If the circuit court clerk determines that the notice does not allege a violation of NVRA or this article, even if the facts set forth in the notice are assumed to be true, the clerk shall provide a copy of the determination by certified mail to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation;
- (3) the members of the county election board; and
- (4) the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.12.

IC 3-7-12-33

Investigation of violation by circuit court clerk

Sec. 33. If the circuit court clerk determines that the notice alleges

a violation of NVRA or this article if the facts set forth in the notice are assumed to be true, the clerk shall conduct an investigation under IC 3-6-5.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-34

Report of investigation; copies

Sec. 34. Upon completing the investigation, the circuit court clerk shall issue a written report. The clerk shall provide a copy of the report by certified mail to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation;
- (3) the members of the county election board; and
- (4) the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.13.

IC 3-7-12-35

Contents of report

Sec. 35. The report described in section 34 of this chapter must:

- (1) indicate the date when the notice alleging the violation was received by the circuit court clerk;
- (2) contain findings of fact regarding the alleged violation of NVRA or this article and state whether a violation of NVRA or this article appears to have occurred;
- (3) state what steps, if any, the person alleged to have committed the violation has taken to correct a violation or to prevent a reoccurrence of a violation;
- (4) suggest any additional measures that could be taken to correct a violation;
- (5) indicate the date when a violation was corrected or is expected to be corrected; and
- (6) indicate the number of days remaining after the issuance of the report until the next election will be conducted:
 - (A) for a federal office in the jurisdiction where the violation is alleged to have occurred if the notice alleges a violation of NVRA; or
 - (B) for any other office or on any public question if the notice alleges a violation of this article.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1997, SEC.3.

IC 3-7-12-36

Request for hearing

Sec. 36. (a) A member of the county election board may request that the board conduct a hearing on the circuit court clerk's report concerning an alleged violation of NVRA or this article.

(b) The member must file a written request for a hearing under subsection (a) with the clerk not later than noon, seven (7) days after the clerk's report was mailed under section 34 of this chapter.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-37**Hearing within 30 days**

Sec. 37. The chairman of the county election board shall convene the hearing as promptly as possible, but not later than thirty (30) days after the member files the request for a hearing under section 36 of this chapter.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-38**Duties of county election board after hearing**

Sec. 38. After concluding the hearing, the county election board shall:

- (1) affirm the report;
- (2) amend the report;
- (3) refer the matter to the circuit court clerk for further investigation and submission of a subsequent report to the board; or
- (4) refer the matter to the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.14; P.L.209-2003, SEC.24.

IC 3-7-12-39**Written summary forwarded**

Sec. 39. The county election board shall forward a written summary of any action under section 38 of this chapter by certified mail to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation; and
- (3) the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.15; P.L.2-1997, SEC.4.

IC 3-7-12-40**Right to file written notice with NVRA official**

Sec. 40. (a) A person who files a written notice of violation with the circuit court clerk under section 30 of this chapter retains the right to file a written notice of alleged violation with the NVRA official.

(b) If the clerk or county election board is notified that the person has filed a notice of violation with the NVRA official prior to the conclusion of the county hearings, the clerk or county election board shall dismiss the county proceeding.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.16; P.L.3-1997, SEC.55.

IC 3-7-12-41**Actions of employees or volunteers at county voter registration offices**

Sec. 41. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or volunteer of a county voter registration office may not do any of

the following:

- (1) Seek to influence an applicant's political preference or party registration.
- (2) Display any political preference or party allegiance, including pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.
- (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.
- (4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

As added by P.L.176-1999, SEC.20.